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10/712,631	11/12/2003	Hideo Suzuki	393032019712	2132

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 November 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>8,17,23 and 26-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>8,17,23 and 26-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>08/22/07</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The amendment filed on 23 November 2007 have been received and entered. The

applicant has cancelled claims 9-16, 18-22, 24-25 and 30-33. Claims 8, 17, 23 and 26-29 as

amended are pending in the application.

Specification

2.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

   The abstract should be in narrative form and generally limited to a single paragraph on a
separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed
150 words in length since the space provided for the abstract on the computer tape used by the
printer is limited. The form and legal phraseology often used in patent claims, such as "means"
and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist
readers in deciding whether there is a need for consulting the full patent text for details.

   The language should be clear and concise and should not repeat information given in the
title. It should avoid using phrases which can be implied, such as, "The disclosure concerns,"
"The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is longer than 150 words. Correction is

required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject
matter sought to be patented and the prior art are such that the subject matter as a whole
would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains. Patentability shall not be negatived
by the manner in which the invention was made.

3.   Claims 8, 17, 23 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over "Emagic Notator Logic Sequencing Software (Macintosh)" by Jim Aikin (hereinafter

"Aikin") and Mandt U.S. Patent 6,621,532.

Referring to claims 8, 17 and 23, Aikin teaches a method, apparatus and computer

readable medium encoded with a computer program to perform controlling the computer system

to display at least one layer on a screen of the display (sequencing software with several layers)

(Aikin: pages 12—124, 127-128 and Figures 2-3); attaching an execution icon corresponding to

execution-related data onto the layer, wherein the execution-related data constructs a part of

performance data (icons corresponding to the musical performance can be attached to each layer)

(Aikin: pages 12—124, 127-128 and Figures 2-3), wherein the attached execution icon

represents execution-related data for adding a predetermined type of articulation to the at least

one layer, and wherein the step of attaching the execution icon causes the corresponding

execution-related data to be incorporated into the performance data being edited (Aikin: pages

12—124, 127-128 and Figures 2-3). In these cited sections, Aikin describes how a user selects

execution icons corresponding to execution-related data representing articulation used in music

performance, i.e. pipe organ icon representing how the pipe organ, a musical instrument,

performs from a palette of icons and places them on a layer, causing the corresponding data to be

incorporated into the performance data being edited. For example, a user may select a pipes

organ icon, which corresponds to how the performance is to be executed, and is therefore an

execution icon. The musical notes are also execution icons pertaining to how music is to be

played/executed. Aikin further teaches allowing the execution icon of the layer to move in

response to an operation of a user of the computer system (notes and tools can be moved around

on the sequences and tracks) (Aikin: page 123-124). However, Aikin fails to explicitly teach

detecting an event in which the execution icon is moved outside of a prescribed display area, and

upon detection of the event, deleting the execution icon and the execution-related data

corresponding to the execution icon from the performance data.   Mandt teaches a graphical user

interface for allowing users to select icons to be placed into an area (creating toolbar

icons/buttons in response to user's drag/drop input) (Mandt: column 3, lines 21-29) similar to

that of Aikin. In addition, Mandt further teaches allowing the execution icon of the layer to

move in response to an operation of a user of the computer system (icons on the toolbar can be

dragged around the toolbar) (Mandt: column 8, lines 8-17); detecting an event in which the

execution icon is moved outside of a prescribed display area (dragging an icon from the toolbar

out of the toolbar area) (Mandt: column 8, lines 8-17), and upon detection of the event, deleting

the execution icon and execution-related data corresponding to the execution icon from the

performance data (when the icon from the toolbar is moved out the toolbar area, the icon is

removed, thereby removing the icon itself and any related data, i.e. icon name, function, etc.)

(Mandt: column 8, lines 8-17). It would have been obvious to one of ordinary skill in the art,

having the teachings of Aikin and Mandt before him at the time the invention was made, to

modify the graphical user interface for editing performance data using the attachment of icons to

layers of Aikin to include the removal of icons and corresponding information from the layer

when the icon is moved outside of a prescribed area, as taught by Mandt. One would have been

motivated to make such a combination in order to allow users to create, remove and manipulate

icons on the screen with maximum efficiency and minimum complexity.

Referring to claim 26, Aikin, as modified, teach wherein one or plural execution icons are

arranged in the layer in a direction from the left to the right on the display screen in accordance

with progress of the performance data (as shown from Figure 2 of Aikin, the musical notes are

displayed from left to right to show a progression of the music).

Referring to claim 27, Aikin, as modified, teach wherein the layer is displayed as an

execution icon layer corresponding to the execution-related data (the instrument icons

corresponding to how the music is going to be played, are displayed in a layer, i.e. the

instruments are displayed in its own window/menu) (Aikin: page 123).

Referring to claim 28, Aikin, as modified, teach wherein the execution icon layer

contains at least one of a tempo icon layer, a dynamics icon layer, a joint icon layer, a

modulation icon layer, an accent icon layer, an attack icon layer, and a release icon layer (as

shown in Figure 3, the displayed layers include a "Modulation" layer) (Aikin: page 123).

Referring to claim 29, Aikin, as modified, teach wherein when the execution icon

attached to the layer is edited, edited content is reflected onto the performance data (icons can be

edited, such as moving the icon out of the toolbar area, thereby causing the data to reflect such an

edit, i.e. the icon is removed, thereby removing the icon itself and any related data, i.e. icon name, function, etc.) (Mandt: column 8, lines 8-17).

Response to Arguments

4.   Applicant's arguments with respect to claims 8, 17, 23 and 26-29 have been considered but are moot in view of the new ground(s) of rejection.

5.   The examiner respectfully notes that although the Abstract has been amended, it is still longer than 150 words, and therefore, the objection is maintained.

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ

/Kieu D. Vu/
Kieu D. Vu
Primary Examiner